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ATTORNEY'S DOCKET NUMBER: 2008646-0001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

AUG 01 2008

Applicant: McElroy *et al.*
Serial Number: 08/705,652
Filed: August 30, 1996
For: AUTOMATED SYSTEM FOR IMMOBILIZING A VEHICLE AND METHOD

Issued as: U.S. 5,835,868
Issue date: November 10, 1998

OFFICE OF PETITIONS

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Certificate of Mailing
I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
July 22, 2008
Date
RaeAnne Tremblay
Signature
RaeAnne Tremblay
Typed or Printed name of person signing certificate

Sir:

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE UNDER 37 C.F.R. § 1.378

Registrant respectfully requests that the above-identified patent be reinstated after unintentional delay in payment of a maintenance fee. Any petition to accept an unintentionally delayed payment of a maintenance fee filed under 37 C.F.R. § 1.378(c) must be filed within twenty-four months after the six-month grace period provided in § 1.362(e). The above-referenced patent issued on November 10, 1998, and the six-month grace period for payment of the 7.5 year maintenance fee ended on November 10, 2006. Thus, the deadline for filing a Petition to Accept Unintentionally Delayed Payment of Maintenance Fee is November 10, 2008. Registrant, therefore, submits that this Petition is timely filed on July 22, 2008.

The entire delay in payment of the 7.5 year maintenance fee, including period from Registrant's discovery that the maintenance fee was not timely paid until payment of the maintenance fee was due, was unintentional, per the attached Declarations from the two inventors listed on the above-referenced patent, ALEJANDRO S. MCELROY and JASON RAUCHFUSS.

Registrant asks that it be afforded the maintenance fee Rules set forth in 37 C.F.R. 1.378(a). Pursuant to § 1.378(c), Registrant submits herewith the required maintenance fee of \$1,180.00 and the surcharge of \$1,640.00 as set forth in Section 1.20(i)2.

Adjustment date: 08/22/2008, LDIEP1
07/25/2008 ABLANCO 00000044 5835868
01 FC:1558 2820.00 OP

07/25/2008 ABLANCO 00000044 5835868

01 FC:1559

2820.00 OP

Registrant respectfully requests that the Examiner accept the maintenance fee together with surcharge in view of the unintentional delay of Registrant and withdraw any Notice of Patent Expiration.

Please charge any fees that may be required for the processing of this Petition, or credit any overpayments, to our Deposit Account No. 03-1721.

Respectfully submitted,



C. Hunter Baker, M.D., Ph.D.
Registration Number: 46,533

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Date: July 22, 2008



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Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION

I, Alejandro S. McElroy, declare as follows:

1. I am an inventor of the subject matter disclosed and claimed in United States patent application, Serial Number 08/705,652, filed August 30, 1996, and entitled "AUTOMATED SYSTEM FOR IMMOBILIZING A VEHICLE AND METHOD"; which issued as United States Patent 5,835,868 on November 10, 1998 ("the '868 Patent").
2. The '868 patent expired on November 10, 2006 for failure to timely pay the 7.5 year maintenance fee.
3. This Declaration accompanies a Petition to Accept Unintentionally Delayed Payment of Maintenance Fee under 37 C.F.R. § 1.378 and requisite fees. This Declaration is presented for the purpose of demonstrating that the delayed payment of the 7.5 year maintenance fee was unintentional.
4. The entire delay in payment of the 7.5 year maintenance fee was unintentional, including the period from my discovery that the maintenance fee was not timely paid until payment of the maintenance fee.

5. I, Alejandro S. McElroy, declare that all statements made herein of my own knowledge are true and that these statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like are made punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patents that may issue thereon.


Alejandro S. McElroy

7/7/08
Date



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P.O. Box 1450
Alexandria, VA 22313-1450


Sir:

DECLARATION

I, Jason Rauchfuss, declare as follows:

1. I am an inventor of the subject matter disclosed and claimed in United States patent application, Serial Number 08/705,652, filed August 30, 1996, and entitled "AUTOMATED SYSTEM FOR IMMOBILIZING A VEHICLE AND METHOD"; which issued as United States Patent 5,835,868 on November 10, 1998 ("the '868 Patent").
2. The '868 patent expired on November 10, 2006 for failure to timely pay the 7.5 year maintenance fee.
3. This Declaration accompanies a Petition to Accept Unintentionally Delayed Payment of Maintenance Fee under 37 C.F.R. § 1.378 and requisite fees. This Declaration is presented for the purpose of demonstrating that the delayed payment of the 7.5 year maintenance fee was unintentional.
4. The entire delay in payment of the 7.5 year maintenance fee was unintentional, including the period from my discovery that the maintenance fee was not timely paid until payment of the maintenance fee.

5. I, Jason Rauchfuss, declare that all statements made herein of my own knowledge are true and that these statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like are made punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patents that may issue thereon.



Jason Rauchfuss

7/10/08

Date



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P.O. Box 1450
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Sir:

APPOINTMENT OF ATTORNEY

The undersigned hereby appoints:

The attorneys/agents associated with **Customer Number 24280** as its attorneys and agents for prosecution of matters relating to the above-identified patent application and to conduct all business in the United States Patent and Trademark Office.

All correspondence should be sent to:

Patent Department
Choate, Hall & Stewart LLP
Two International Place
Boston, Massachusetts 02110

Respectfully Submitted,


Name: Alejandro S. McElroy

Date: 7/7/08